



UNITED STATES PATENT AND TRADEMARK OFFICE

WB
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,370	05/18/2005	Wolfgang Buhr	DE02 0274 US	1614
24738	7590	05/17/2007	EXAMINER	
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION			KHUU, HIEN DIEU THI	
INTELLECTUAL PROPERTY & STANDARDS			ART UNIT	PAPER NUMBER
1109 MCKAY DRIVE, M/S-41SJ			2863	
SAN JOSE, CA 95131			MAIL DATE	DELIVERY MODE
			05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/535,370	BUHR, WOLFGANG	
	Examiner	Art Unit	
	Cindy D. Khuu	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 March 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 March 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

Newly submitted claims 11-16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly submitted claims directed to methods of retrieving and storing encrypted data and a microcontroller, whereas the originally claimed a circuit arrangement for electronic data processing. These are related as product and process of use. They are shown to be distinct because the process for using the product as claimed can be practiced with another materially different product or the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-16 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new subject matters are as followed: Claim 11, "receiving, by a memory module interface logic circuit, an encrypted address from a central

processing unit...providing the key code to the memory module interface logic circuit for decrypting the encrypted address into an unencrypted address ..."; Claims 12 and 15, "receiving the encrypted address and receiving the address are performed in parallel"; Claim 13, "code ROM only stores key codes"; and Claim 14, "receiving, by a memory module interface logic circuit, an encrypted address from a central processing unit...".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kocher et al. (US 6,289,455).

With respect to claim 1, Kocher discloses a circuit arrangement for electronic data processing comprising (Fig. 2):

at least one non-volatile memory module (265) for storing encrypted data to be protected against unauthorized access (Column 9, lines 40-41);

at least one memory module interface logic circuit (260) in electronic communication with the memory module (Fig. 2); said at least one memory module interface circuit being for addressing the memory module, for writing the data to the memory module, or for reading out the data from the memory module (Column 9, lines 40-41);

at least one code Read Only Memory (ROM) module (245) for storing and/or supplying at least one ROM code (Column 9, line 33); and

at least one code ROM module interface logic circuit (240-225-200) in electronic communication with the code ROM module (Fig. 2) for addressing the code ROM module and for reading out the ROM code from the code ROM module (Column 9, lines 28-41),

wherein the at least one ROM code stored in the code ROM module (Column 9, line 33) is used to generate at least one key code for encrypting or decrypting data being written to the memory module or data being read from the memory module (Column 10, lines 46-47), said at least one ROM code further being used for decrypting an address of said memory module (Column 10, lines 48-67).

With respect to claim 2, Kocher further discloses a circuit arrangement wherein the memory module interface logic circuit comprises at least one en-/decryption logic circuit (260) having at least one key address generation unit and having at least one key register (Column 16, lines 50-60).

With respect to claim 3, Kocher further discloses a circuit arrangement wherein the code ROM module interface logic circuit comprises at least one multiplexing unit (Column 9, line 3).

With respect to claim 4, Kocher further discloses a circuit arrangement wherein the memory module takes the form of at least one electrical erasable programmable read only memory (Column 10, line 39) or at least one Flash memory (Column 25, line 61).

With respect to claim 5, Kocher further discloses at least one circuit arrangement, comprising a microcontroller (235), in particular an "embedded security controller" (Column 21, lines 7-10).

Response to Arguments

Applicant's amendment and arguments filed 03/14/2007 have been fully considered but they are not persuasive.

During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad

interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)

Regarding the 35 U.S.C. 102(b) rejections, Applicant argues that the codes or keys are not stored in the Kocher memories 245, 250 or 255; instead the codes or keys in Kocher are stored in the protected memory 265.

Examiner's position is that Kocher explicitly discloses, "code are stored in ROM 245" (Column 9, line 33) and he further discloses "Alternatively, these values (keys) can be stored in ROM, within or accessible by the CryptoFirewall" (Column 10, lines 46-47).

Applicant further argues that Kocher does not teach or anticipate the encryption or decryption of the addresses for a non-volatile memory module based on key codes provided by a code ROM module.

Examiner's position is that Kocher discloses the CryptoFirewall (260) cryptographically modifies data written to or read from protected memory (265) (Column 9, lines 40-41). CryptoFirewall uses several keys which are stored in protected memory (265), alternatively these values (keys) can be stored in ROM, within or accessible by the CryptoFirewall (Column 10, lines 36-37 and 46-47).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory

action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy D. Khuu whose telephone number is (571) 272-8585. The examiner can normally be reached on M-F, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK 5/10/07

JBarlow
John Barlow
Supervisory Patent Examiner
Technology Center 2800